



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Acting Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE
STANDARD RECORDING REQUIREMENTS AND FEES FOR SHORT
SUBDIVISIONS**

Application Number: 2103321

Applicant Name: Terry Montoya Children's Health Care System

Address of Proposal: 3310 NE 125th Street

SUMMARY OF PROPOSED ACTION

Master Use Permit for the grading of approximately 1000 cubic yards for soil remediation and to backfill with 1,000 cubic yards of non-contaminated soils to the existing grade.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☒ DNS involving non-exempt grading, or demolition,
or another agency with jurisdiction.*

* Early Notice DNS published January 13, 2003

BACKGROUND DATA

Site Description

This proposal site, located at the northeast corner of NE 125th Street and 33rd Avenue NE, is currently occupied by a parking lot. The site is relatively flat. The site is within a

Neighborhood Commercial Three zone with a maximum height limit of sixty-five feet (NC3-65). The site is designated as an Environmentally Critical area as a riparian corridor and a potential slide area due to steep slope.

Area Development

The site lies within the Lake City Civic hub, an area of commercial as well as civic uses; the district contains, all within walking distance, a branch library, a community center, a neighborhood service center, a fire station and a post office. An apartment building, a Salvation Army Thrift Store, and a clinic sit adjacent to the site. Within a few blocks, other older multi-family buildings constructed from approximately the 1950s to the 1970s comprise the area. Most are three to five stories without significant architectural features. Some single-family structures lie within the business core. Another building type---the one and two story professional office building---occupies several nearby sites. Zoning in the immediate area includes mostly neighborhood commercial, commercial, and lowrise residential classifications. The commercial zones have a height limit of 65 feet.

Proposal

The applicant proposes to grade 1,000 cubic yards for soil remediation. Impacted soil will be removed from one area on the property. The proposal is a result of a subsurface assessment that identified soils exceeding Model Toxics Control Act cleanup criteria of Department of Ecology. The proposal is to remediate accessible soil contamination by excavation. Excavated contaminated soil will be taken off site to a licensed disposal/treatment facility. Noncontaminated soil will be used as backfill material. The completed excavation will be backfilled to original site grade and paved to return to use as a parking lot.

Public Comments

The public comment period for this project ended on January 26, 2003. There were no public comments on this proposal.

ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated December 13, 2002. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Construction and Land Use has analyzed and annotated the environmental checklist submitted by the project applicant and reviewed the project plans and any additional

information in the file. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *“Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during grading activities; increased traffic and demand for parking from soils hauling, equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The proposal includes excavation of soils for soils remediation. The applicant estimates approximately 1,000 cubic yards of excavation. Contaminated material to be disposed of must be deposited in a licensed, approved site. The Stormwater, Grading and Drainage Control Code regulates site excavation and requires that soil erosion control techniques be initiated for the duration of work. The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Due to the fact that a large amount of grading will be undertaken, additional analysis of noise, air quality, grading and traffic impacts is warranted.

Noise - Noise associated with excavation of the site will be short-term and of limited duration. The applicant proposes a work schedule on weekdays with possible weekend hours

as allowed by the Noise Ordinance. Due to the proximity of the project site to residential use,

the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted

Air Quality - The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. Compliance with PSCAA regulations will mitigate the potential adverse short term impacts to air.

Grading - Earth/Soils - Any additional information required to show conformance with applicable ordinances and codes (The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) will be required prior to issuance of a master use permit. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves cuts greater than three feet in height and grading of more than 100 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

The creek (i.e. the riparian corridor) is located in a culvert and has little impact on the clean-up of the site. A steep slope exists at the north property line in the form of a rockery. The steep slope development standards remain applicable for construction applications in the vicinity of the 10-foot high rockery; however, the proposed grading is not within the rockery area.

Traffic - Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal site is on and near several major arterials. Traffic impacts resulting from the truck traffic associated with the hauling of debris will be of short duration and mitigated by enforcement of SMC 11.62.

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimizes the amount of spilled material and dust from the truck bed enroute to or from a site.

Long-term Impacts

Long-term or use-related impacts associated with approval of this proposal include stormwater and erosion potential; and stability of the site. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: Stormwater, Grading and Drainage Control Code which requires on site detention of

stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with all other applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

☒ [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.

☐ [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS – SEPA

1. Grading, delivery of fill and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work will be permitted on Saturdays from 9:00 A.M. to 5:00 P.M and on Sundays from 10:00 A.M. to 5:00 P.M.

Signature: (signature on file) Date: February 3, 2003
Bruce Philip Rips, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services

BPR:vw

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